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Remarks

Claims 1-7 are pending are pending in the application; claims 8-32 are canceled.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi et al. (US Patent 6,574,208, hereinafter "Matturi") in view of Ben (US Patent Application Publication 2003/0105839, hereinafter "Ben").

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi in view of Ben further in view of Barber et al. (US Patent Application Publication 2004/0078598, hereinafter "Barber").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously

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depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### Election/Restrictions

The Examiner has made the restriction requirement final on the grounds that, while the claims include limitations directed toward aspects of the communication protocol, the claims are implementing different functionality of the communication network. Applicants respectfully disagree, at least for the reasons described in Applicants' response to the restriction requirement, and request reconsideration and withdrawal of the restriction requirement. However, in the interest of further the case, if the restriction is maintained, Applicants have herein canceled withdrawn claims 8 – 32.

#### Rejection Under 35 U.S.C. 103(a)

##### Claims 1-5

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi in view of Ben. The rejection is traversed.

Matturi and Ben, alone or in combination, fail to teach or suggest at least the limitation of "receiving from at least one access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said access point," as claimed in Applicants' claim 1.

Matturi discloses a method for establishing connections between network elements in a radio system. Specifically, Matturi discloses a method for establishing connections between base stations and a base station controller. As described in Matturi, network element identification information is fed into a base station to be installed and the base station is physically connected to the system. (Matturi, Abstract). If the base station controller detects that it has been provided with identification information on base stations not yet connected thereto, the base station controller transmits a communication control channel (a link protocol link establishment request message) to the base station. (Matturi, Col. 7, Lines 4 – 18). Thus, as taught in Matturi, the base station controller

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transmits a request message to the base station, and, further, the base station controller receives a response message from the base station that includes the identification information of the base station.

By contrast, Applicants' claim 1 includes the feature that a gateway receives a request message from at least one access point. Furthermore, Matturi is devoid of any teaching or suggestion of access point location, IP address, MAC address, radio type, and power level information. Rather, Matturi merely includes general statements indicating that the base station transmits base station identification information and hardware information to the base station controller. (Matturi, Col. 7, Lines 37 – 38). A general statement of base station identification information, as disclosed in Matturi, simply does not teach or suggest Applicants' limitation of "receiving from at least one access point receiving said discovery message, an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of said access point," as claimed in Applicants' claim 1.

Thus, for at least these reasons, Matturi fails to teach or suggest Applicants' claim 1, as a whole.

Furthermore, Ben fails to bridge the gap between Matturi and Applicants' claim 1.

Ben discloses a method for provisioning broadband access and configuring broadband devices. Specifically, Ben discloses that a user at a remote node 150 without broadband access connects to a central server 120 and initiates a request from remote node 150 to central server 120 indicating to central server 120 that remote node 150 desires to establish broadband access. The central server 120 determines which broadband service providers 170 are available in the user's geographic region and transfers a list of broadband service providers to the remote node 150. At remote node 150, the user selects one of the broadband service providers 170. The central server receives the user selection of the broadband service provider 170 and brokers a broadband communication link between the selected broadband service provider 170 and the remote node 150. The central server 120 determines the communication device parameters and transfers the configuration parameters to remote node 150. (Ben, Para. 0031 – 0040, Emphasis added].

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In other words, as taught in Ben, the request from the access node to the network does not include configuration information associated with the access node. Rather, as taught in Ben, the request from the access node to the network is merely a request from the remote node 150 to central server 120 to establish broadband access and may also be a request to automatically configure communication device 110. Ben is devoid of any teaching or suggestion that configuration information is included in the request from the remote node 150 to central server 120. Rather, Ben discloses that configuration information is provided from the central server 120 to remote node 150 (illustratively, step 390 of Figure 3) so that the remote node 150 may be automatically configured. Specifically, Ben states that "...the central server 120 transfers the configuration parameters to the remote node 150..." and that "...the configuration parameters are used to configure the broadband communication device 110." (Ben, Para. 0040 – 0041).

First, a request received at a central server that requests broadband access or requests that the remote node be automatically configured, as taught in Ben, does not teach or suggest receiving from at least one access point an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of an access point, as claimed in Applicants' claim 1. Second, a response transmitted from a central server to a remote node that includes configuration information for configuring the remote node, as taught in Ben, also does not teach or suggest receiving from at least one access point an access point registration request comprising access point location, IP address, MAC address, radio type, and power level information of an access point, as claimed in Applicants' claim 1.

Thus, for at least these reasons, Ben and Matturi, alone or in combination, fail to teach or suggest Applicants' claim 1, as a whole.

According to MPEP §2143, to establish a prima facie case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable

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expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Matturi and Ben fails to teach or suggest all the claim elements.

Furthermore, there is no motivation or suggestion to combine the teachings of Matturi and the teachings of Ben. Matturi is directed toward establishing connections between base stations and a base station controller in the radio network, while Ben is directed toward provisioning broadband access and configuring broadband devices at the end user location. Applicants respectfully submit that one skilled in the art of the teachings of Matturi of configuring connections between base stations and base station controllers simply would not look to the teachings of Ben of configuring end user broadband devices. Thus, one skilled in the art of the teachings of Matturi would not look to the teachings of Ben for combination with the teachings of Matturi. As such, there is simply no motivation or suggestion to combine the teachings of Matturi and Ben.

As such, independent claim 1 is patentable over Matturi in view of Ben under 35 U.S.C. 103(a). Furthermore, independent claim 3 recites relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, Applicants submit that independent claim 3 is also non-obvious and is patentable over Matturi in view of Ben under 35 U.S.C. §103. Furthermore claims 2 and 4-5 depend, directly or indirectly, from independent claims 1 and 3 while adding additional elements. Therefore, these dependent claims also are non-obvious and are patentable over Matturi in view of Ben under 35 U.S.C. §103 for at least the same reasons discussed above in regards to independent claims 1 and 3.

As such, Applicants' claims 1-5 are patentable over Matturi in view of Ben under 35 U.S.C. §103(a). Therefore, the rejection should be withdrawn.

#### Claims 6-7

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matturi in view of Ben further in view of Barber. The rejection is traversed.

Each ground of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. 103 given Matturi in view of Ben. Since

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the rejection under 35 U.S.C. 103 given Matturi in view of Ben has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Barber supplies that which is missing from Matturi and Ben to render the amended independent claims obvious, these grounds of rejection cannot be maintained.

Therefore, the rejection should be withdrawn.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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